

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

OLIVIA Y., et al

PLAINTIFFS

vs

CIVIL ACTION NO. 3:04cv251LN

HALEY BARBOUR, et al.

DEFENDANTS

**DEFENDANTS' AND MISSISSIPPI DEPARTMENT OF HUMAN SERVICES'
RESPONSE TO 30(b)(6) DEPOSITION NOTICE CONCERNING MDHS
ORGANIZATIONAL STRUCTURE**

GENERAL OBJECTION

Plaintiff's Notice to Take 30(b)(6) Deposition of the Department of Human Services filed on or about April 1, 2005, regarding the organizational structure of the Division of Family and Children's Services is overly broad, unduly burdensome and seeks information and testimony beyond the scope of this litigation.

In particular, Defendants and the Mississippi Department of Human Services ("MDHS") object to the proposed deposition topics to the extent they seek testimony regarding claims that were dismissed in this action by Order of this Court of November 9, 2004.

Without waiving the foregoing objections, and subject to them, Defendants and MDHS respond as follows to the specific topics of Plaintiffs' Notice of 30(b)(6) Deposition of the Department of Human Services regarding the organizational structure of DFCS as follows:

TOPIC NO. 1:

1. The organizational structure of the State Office of the Division of Family and Children's Services ("DFCS"), including, but not limited to:

- a. The flow of responsibility and job duties from the Division Director to the Deputy and/or Bureau Director for Administration and the Deputy and/or Bureau Director for Programs;
- b. The flow of responsibilities and job duties from the Deputy and/or Bureau Director for Administration to the Division Director for Administration;
- c. The flow of responsibilities and job duties from the Deputy and/or Bureau Director for Administration to the Division Director for Prevention;
- d. The flow of responsibilities and job duties from the Deputy and/or Bureau Director for Administration to the Program Manager for MACWIS;
- e. The flow of responsibilities and job duties from the Deputy and/or Bureau Director for Programs to the Division Director for Placement;
- f. The flow of responsibilities and job duties from the Deputy and/or Bureau Director for Programs to the Division Director for Protection;
- g. The flow of responsibilities and job duties from the Deputy and/or Bureau Director for Programs to the DHS-Social Services Regional Director.

RESPONSE TO TOPIC NO. 1:

Defendants and MDHS state that they have identified Nelson V. (“Billy”) Mangold, Director, Division of Family and Children’s Services, as the 30(b)(6) witness as to organizational structure of the State Office of the Division of Families and Children’s Services.

TOPIC NO. 2:

- 2. The organizational structure and flow of responsibility and job duties at the State Office of DFCS, as it relates to the nine DFCS regions, including, but not limited to:

- a. The role of the Social Services Regional Director, if any, in mediating relationships between the DFCS Division Director and the nine DFCS Regional Directors;
- b. The scope of responsibility of the Social Services Regional Director, if any, in mediating relationships between the nine DFCS Regional Directors and the Division Directors for Protection, Placement, Administration, and Prevention;
- c. The lines of accountability and responsibility, if any, between each of the nine DFCS Regional Directors and the Division Directors for Protection, Placement, Administration, and Prevention;
- d. The lines of accountability and responsibility, if any, between the county Area Social Work Supervisors (“ASWSs”) and their respective Regional Directors;
- e. The scope of responsibility of the Division Director for Placement, if any, in working with any and all of the nine DFCS Regional Directors, as well as their respective ASWSs, in promoting permanency planning, independent living services, and adoptions services;
- f. The scope of responsibility of the Division Director for Protection and/or the Program Administrator for Training, if any, in working with any and all of the nine DFCS Regional Directors, as well as their respective ASWSs and/or caseworkers, in establishing regular ongoing training of staff;
- g. The relationship and flow of responsibility and accountability between

Permanency Planning Specialists and caseworkers, ASWSs, Regional Directors, the Program Administrator for Adoption, the Permanency Planning Coordinator, and/or the Division Director for Placement;

- h. The scope of responsibility and role of the Director's Advisory Committee on Permanency Planning ("DACOPP") and/or the Permanency Planning Coordinator in the review of application submitted by Regional Directors, ASWSs, and/or caseworkers for the termination of parental rights, and the transmittal of these applications to the Attorney General's Office;
- i. The office(s), unit(s), bureau(s), division(s), agencies or personnel responsible for licensing, and/or recruiting foster homes, adoptive homes, and residential child caring facilities;
- j. The office(s), unit(s), bureau(s), division(s) or personnel responsible for supervising, monitoring, and evaluating the private agencies with which DFCS contracts for placement services for children;
- k. The office(s), unit(s), bureau(s), division(s) or personnel responsible for Quality Assurance.

RESPONSE TO TOPIC NO. 2:

Defendants and MDHS state that they have identified Nelson V. ("Billy") Mangold, Director, Division of Family and Children's Services, as the 30(b)(6) witness as to the organizational structure and flow of responsibility and job duties at the State Office of DFCS as it relates to the nine DFCS regions.

TOPIC NO. 3:

- 3. The policy and practice, including regional and/or county variations, regarding

case assignments among caseworkers and/or their supervisors for cases requiring intake, investigation, prevention, preservation, placement, and/or adoption services.

RESPONSE TO TOPIC NO. 3:

Subject to the objections set forth herein, Defendants and MDHS state that they have identified Nelson V. (“Billy”) Mangold, Director, Division of Family and Children’s Services, as the 30(b)(6) witness as to the policy and practice, including regional and/or county variations, regarding case assignments among caseworkers, and/or their supervisors for cases requiring intake, investigation, prevention, preservation, placement, and/or adoption services.

TOPIC NO. 4:

4. The lines of responsibility and accountability caseworkers and/or ASWSs to supervise children in DHS custody who are residing in the following placements:
 - a. unlicensed facilities registered with the Mississippi Department of Health;¹
 - b. psychiatric institutions within the State of Mississippi;
 - c. institutions or foster homes outside the State of Mississippi;
 - d. foster home, group home, residential treatment center, emergency shelter, and/or any other placement outside the child’s county of origin.

RESPONSE TO TOPIC NO. 4:

Defendants and MDHS state that they have identified Nelson V. (“Billy”) Mangold, Director, Division of Family and Children’s Services, as the 30(b)(6) witness regarding the lines of responsibility and accountability for caseworkers, and/or ASWSs to supervise children in DHS custody who are residing in the referenced placements.

This the 6th day of May, 2005.

¹ If placed there by the Youth Court, for example.

Respectfully submitted,

HALEY BARBOUR, as Governor of the State of
Mississippi; DONALD TAYLOR, as Executive Director
of the Department of Human Services; and
BILLY MANGOLD as Director of the Division of
Family and Children's Services

MCGLINCHEY STAFFORD, PLLC

_____/s/ Betty A. Mallett_____
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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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I also certify that I have this day served a copy of the foregoing on the following non-ECF participants by United States Mail, postage prepaid:

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SO CERTIFIED, this the 6th day of May, 2005.

/s/ Betty A. Mallett
Betty A. Mallett